IN THE HIGH COURT OF JUDICATURE OF BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

APPEAL NO.583 of 2005

IN

ARBITRATION PETITION NO. 204 OF 2004

Mr.Amin Merchant .. Appellant

versus

Bipin M. Gandhi & Anr. .. Respondents

...

Mr.P.K. Samdani i/b M/s.Purohit & Co. for the appellant.

Mr.P.N. Modi i/b Mr.Ajay Kandhar for the respondent nos.1 and 2.

CORAM : R.M. LODHA AND

D.G. KARNIK, JJ

DATED : 12th December 2005.

P.C.:

Heard Mr.P.K. Samdani, the learned counsel

for the appellant.

2. The learned counsel for the appellant contended that the Appellate Bench, Arbitration Department did not assign any reasons for setting aside the award of the Arbitrator.

3. We find no merit in the contention. The Appellate Bench in paragraph no.20 of the award has recorded the reasons loosely styled as conclusions. If for the reasons recorded in paragraph no.20, the Appellate bench set aside the record of the Arbitrator, the Appellate Bench cannot be said to have committed any error.

4. The learned counsel for the appellant then contended that the Appellate Bench discarded the draft letter dated 27th April, 2001 without any reason. According to the learned counsel, the said draft letter is tacit admission of the respondents that the transactions in question are not of the appellant.

5. The Appellate Bench has noticed the draft letter dated 27th April, 2001. It has been held by the Appellate bench that the present appellant failed to

establish that the transaction was done by Mr.Vijay C. Shah. We find nothing wrong in the said finding.

6. All in all, we find that the conclusions arrived at by the Appellate Bench are based on the facts. In this view of the matter, the learned Single Judge cannot be said to have committed any error in rejecting the Arbitration Petition challenging the award of the Appellate Bench, Arbitration Department, Stock Exchange, Mumbai.

7. The appeal does not deserve to be admitted. Dismissed in limine.

(R.M. LODHA, J)

(D.G. KARNIK, J)